

R E M A R K S

The application contains only a single claim, namely claim 1.

The Abstract

The Abstract has been corrected rendering moot the rejection in Paragraph one of the last Office Action.

The Specification

The misspelling of the word "sauce" in the specification has been corrected. It is respectfully submitted that the remainder of the specification is sufficiently free of idiomatic errors to make the specification clear to the skilled artisan. The attention of the Examiner is respectfully invited to the fact that this application is a divisional application based on parent application 09/821,074. Upon information and belief, this application has been allowed and will come in due course issue as a United States Patent. The Examiner in this case should give full faith and credit to the Examiner in the parent case and should not require in this case amendments to the specification that were not required in the parent case.

Issues under 35 U.S.C. §112

The rejection of claim 1 in paragraph 3 of the last Office Action under the second paragraph of 35 U.S.C §112 is traversed but has been rendered moot by the present amendment.

Issues under 35 U.S.C. §103

The rejection of the pending claim as obvious over US 3,836,063 (Sutch) is traversed but has been rendered moot in view of the present amendments to the claim.

As presently amended the claim is directed to a method of manufacturing a plastic container having a unique structure not shown in Sutch. As presently amended the container has a cylindrical tube, a flat-ring hoop and a flat bottom. This structure is not present in Sutch. In Sutch the tube is conical. A conical tube is not a cylindrical tube. In Sutch the bottom is curved as shown in Sutch Figure 1 referring to the "end closure 4" (Sutch column 1, line 59). Sutch lacks a disclosure corresponding the claimed flat-ring hoop. Sutch uses a conical mandrel which is different than the cylindrical mandrel of the claims.

It would not be obvious to the skilled artisan to modify the teachings of Sutch to arrive at the claimed process.


Conclusion

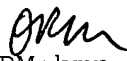
Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact David R. Murphy (Reg. No. 22,751) at the telephone number of the undersigned below.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Respectfully submitted,

BIRCH, STEWART, KOLASCH & BIRCH, LLP

By   
Marc S. Weiner, #32,181

  
MSW/DRM:bmp  
0051-0216P

P.O. Box 747  
Falls Church, VA 22040-0747  
(703) 205-8000

Attachment: Abstract of the Disclosure